

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-3  
AGENDA DATE: Thu 07/28/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-05-0068 - The Common Interest - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8440 Burnet Road #142 (Shoal Creek Watershed) from general commercial services (CS) district zoning to commercial - liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: Wm. Investments, No Four Spectrum, Ltd., The Common Interest. Agent: Jim Bennett. City Staff: Thomas Bolt, 974-2755.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0068

**Z.A.P. DATE:** June 7, 2005

**ADDRESS:** 8440 Burnet Road #142

**OWNER/APPLICANT:** Wm. Investments  
No. Four Spectrum, Ltd.  
The Common Interest

**AGENT:** Jim Bennett

**ZONING FROM:** CS

**TO:** CS-1

**AREA:** .0456 Acres

### **SUMMARY STAFF RECOMMENDATION:**

Recommend approval of rezoning from general commercial services (CS) district zoning to commercial-liquor sales (CS-1) district zoning.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**Rezoning:** C14-05-0068 - The Common Interest  
**Location:** 8440 Burnet Rd. #142, Shoal Creek Watershed  
**Owner/Applicant:** WM Invesstments No. Four Spectrum, Ltd.  
**Agent:** Jim Bennett Consulting (Jim Bennett)  
**Request:** GO to CS-1  
**Staff Rec.:** RECOMMENDED  
**Staff:** Thomas Bolt, 974-2755, thomas.bolt@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR CS-1 ZONING; BY CONSENT.***  
***[J.M; J.G 2<sup>ND</sup>] (8-0-1) M.W – ABSTAINED***

### **ISSUES:**

Staff has received a letter of support for the rezoning from North Shoal Creek Neighborhood Association. However, staff has received a call from a condominium owner to the west that has stated opposition to the proposed rezoning. We have not received any written communication at this time.

### **DEPARTMENT COMMENTS:**

The request for rezoning is being made to allow an increase in floor area for a cocktail lounge already located on the property. Prior to any expansion of the cocktail lounge use, a conditional use site plan approved by the Zoning and Platting Commission will be necessary. The subject property is located in a proposed neighborhood plan area. There is no date set for the initiation of the neighborhood planning process.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS	Strip Plaza various tenants
<i>North</i>	CS	Entrance to Condominium located to the west
<i>South</i>	CS	Convenience Store and Apartments
<i>East</i>	CS-NP	Misc. retail and office
<i>West</i>	CS	Condominiums

**AREA STUDY:** No**TIA:**N/A**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

#092 Wooten Neighborhood Association

#126 North Shoal Creek Neighborhood Assn.

# 511 Austin Neighborhoods Council

#741 Crestwood/Wooten Combined Neighborhood Planning Team – CoA Liaison

#742 Austin Independent School District

**SCHOOLS:**

Pillow Elementary School

Burnet Middle School

Anderson High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-04-0004 Crestview Wooten Combined Neighborhood Plan located to the east across Burnet Rd. from the subject property.	Zonings associated with the Crestview – Wooten Neighborhood Plan	Recommended approval of the rezoning associated with the Neighborhood Plan on 2/10/04	Approved 3 <sup>rd</sup> reading of the rezoning associated with the Crestview – Wooten Neighborhood Plan on 8/26/04

**RELATED CASES:** N/A**ABUTTING STREETS:**

<b>NAME</b>	<b>ROW</b>	<b>PAVEMENT</b>	<b>CLASSIFICATION</b>
Burnet Road	140'	60'	Arterial

**CITY COUNCIL DATE:** July 28, 2005

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

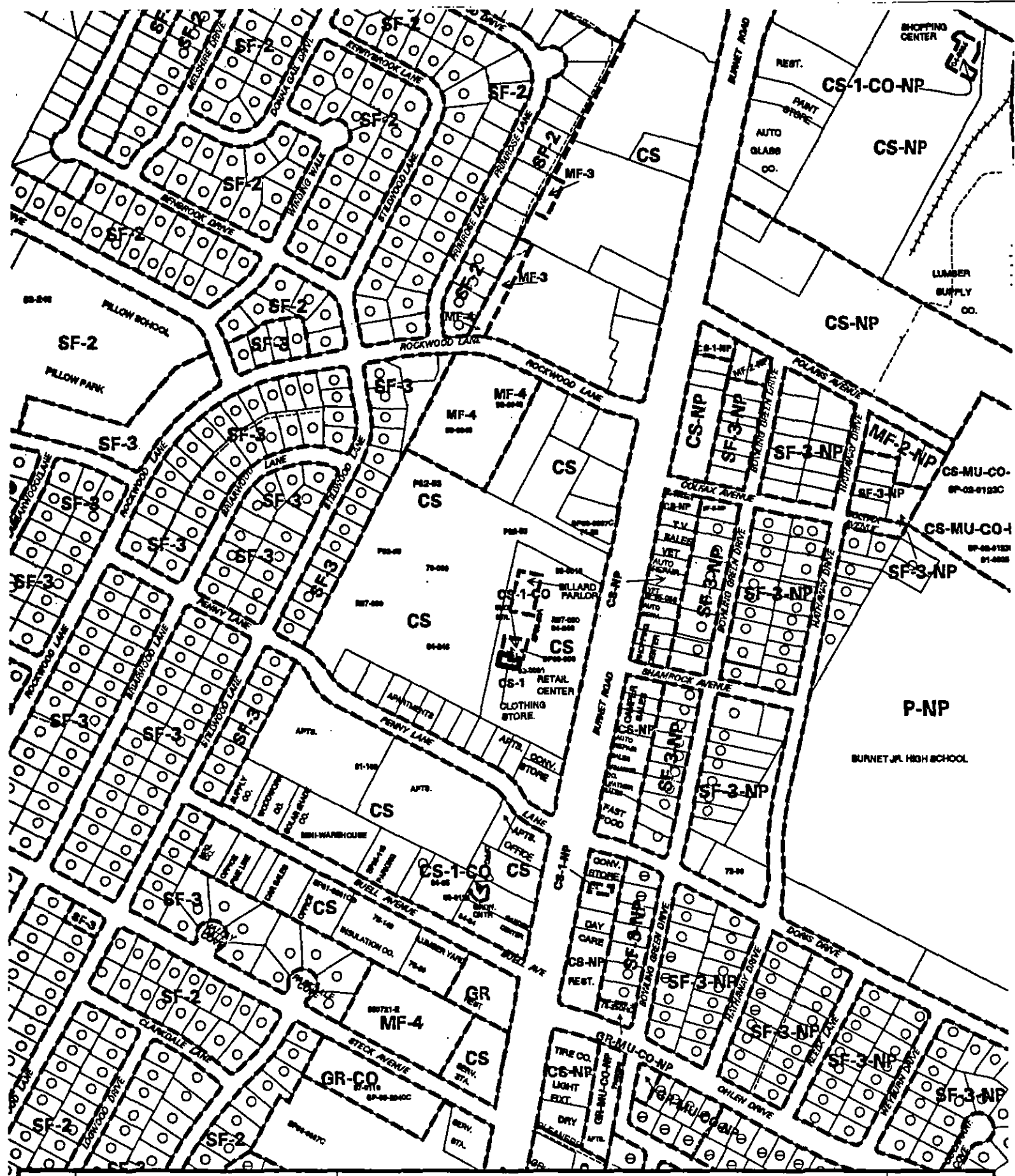
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Thomas Bolt  
e-mail address: Thomas.bolt@ci.austin.tx.us

**PHONE:** 974-2755



 1" = 400'	SUBJECT TRACT		ZONING		CITY GRID REFERENCE NUMBER  K30
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-05-0068	DATE: 05-05	
	CASE MGR: T. BOLT		ADDRESS: 8440 BURNET RD UNIT 142	INTLS: SM	
			SUBJECT AREA (acres): 0.048		

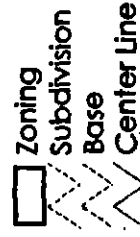


# City of Austin

C14-05-0068

8440 BURNET RD #142

OWNER: THE COMMON INTEREST  
REQUEST FROM CS TO CS-1



This map has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without prior written permission from Watershed Protection & Development Review, City of Austin.



## **STAFF RECOMMENDATION**

Recommend approval of rezoning from general commercial services (CS) district zoning to commercial-liquor sales (CS-1) district zoning.

## **BASIS FOR RECOMMENDATION**

The proposed zoning should be consistent with the purpose statement of the district sought.

Commercial liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in CS-1 zoning.

Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.

The rezoning request is sought to increase the floor area of an existing CS-1 use located on the property. The CS-1 district zoning will allow expansion of an existing cocktail lounge into adjacent tenant space. Without CS-1 zoning no expansion could occur.

## **EXISTING CONDITIONS**

### **Impervious Cover**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class.

### **Environmental**

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **Water Quality Control Requirements**

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 834 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics). The proposed use as a lounge will generate approximately 230 trips per day.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Capital Metro bus service is available along Burnet Road.

There are existing sidewalks along Burnet Road.

### **Water and Wastewater**

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

### **Compatibility Standards** N/A



Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0068

Contact: Thomas Bolt, (512) 974-2755

Public Hearing:

June 7, 2005 Zoning and Platting Commission



Betty Haskins  
Your Name (please print)

2600 Persimmon #105  
Your address(es) affected by this application

Betty Haskins  
Signature

Date

Comments: none

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Thomas Bolt

P. O. Box 1088

Austin, TX 78767-8810

**EXHIBIT "A"**

**BEING A 1988 SQUARE FEET PORTION OF A BUILDING KNOWN LOCALLY AS 8440 BURNET ROAD, #142, AUSTIN, IN AUSTIN TEXAS, SAID BUILDING BEING LOCATED ON LOT 1 OF WOODCHASE SECTION ONE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, AS DEPICTED BY THE INSTRUMENT RECORDED IN VOLUME 83, PAGE 58A OF THE PLAT RECORDS OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING at a ½" rebar found in the West line of Burnet Road, at the northeast corner of Lot 2 of the aforementioned subdivision;**

**THENCE, with the West line of Burnet Road and the east line of the aforementioned subdivision, South 13°51'47" West, a distance of 100.00 feet to the northeast corner of Lot 1 of said subdivision;**

**THENCE, with the dividing line of said lots 1 and 2 North 60°53'00" West, a distance of 207.87 feet;**

**THENCE, into the interior of Lot 1 South 29°07'00" West, a distance of 41.03 feet to the northeast exterior corner of a building;**

**THENCE, with the East exterior wall of said building South 13°31'46" West, a distance of 315.60 feet to the intersection of said exterior wall with A prolongation of the North interior wall of the aforementioned 1988 square feet of the building for the northeast corner hereof, and the PLACE OF BEGINNING of this description;**

**THENCE, continuing with said East exterior wall South 13°31'46" West, a distance of 23.90 feet to the intersection of said exterior wall with a prolongation of the South interior wall of the 1988 square feet of the building for the Southeast corner hereof;**

**THENCE, in line with said South interior wall North 76°28'14" West, a distance of 67.14 feet to the intersection of a prolongation of the South interior wall with the West exterior wall of said building for the Southwest corner hereof;**

**THENCE, with the said West exterior wall North 13°31'46" East, a distance of 35.60 feet to the intersection of said West exterior wall with a prolongation of the North interior wall of the 1988 square feet of the building for the Northwest corner hereof;**

THENCE, in line with the North interior wall the following 3 courses:

- 1.) South 76°28'14" East, a distance of 32.74 feet to an exterior ell corner;
- 2.) South 13°31'46" West, a distance of 11.70 feet to an interior ell corner
- 3.) South 76°28'14" East a distance of 34.4 feet to the PLACE OF BEGINNING of the herein described space, and containing a calculated area of 1988 square feet, more or less.

THIS DESCRIPTION IS TO BE USED IN CONJUNCTION WITH THE ACCOMPANYING SKETCH ONLY.

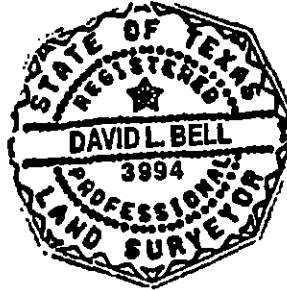
*David L. Bell*

David L. Bell R.P.L.S. 3994

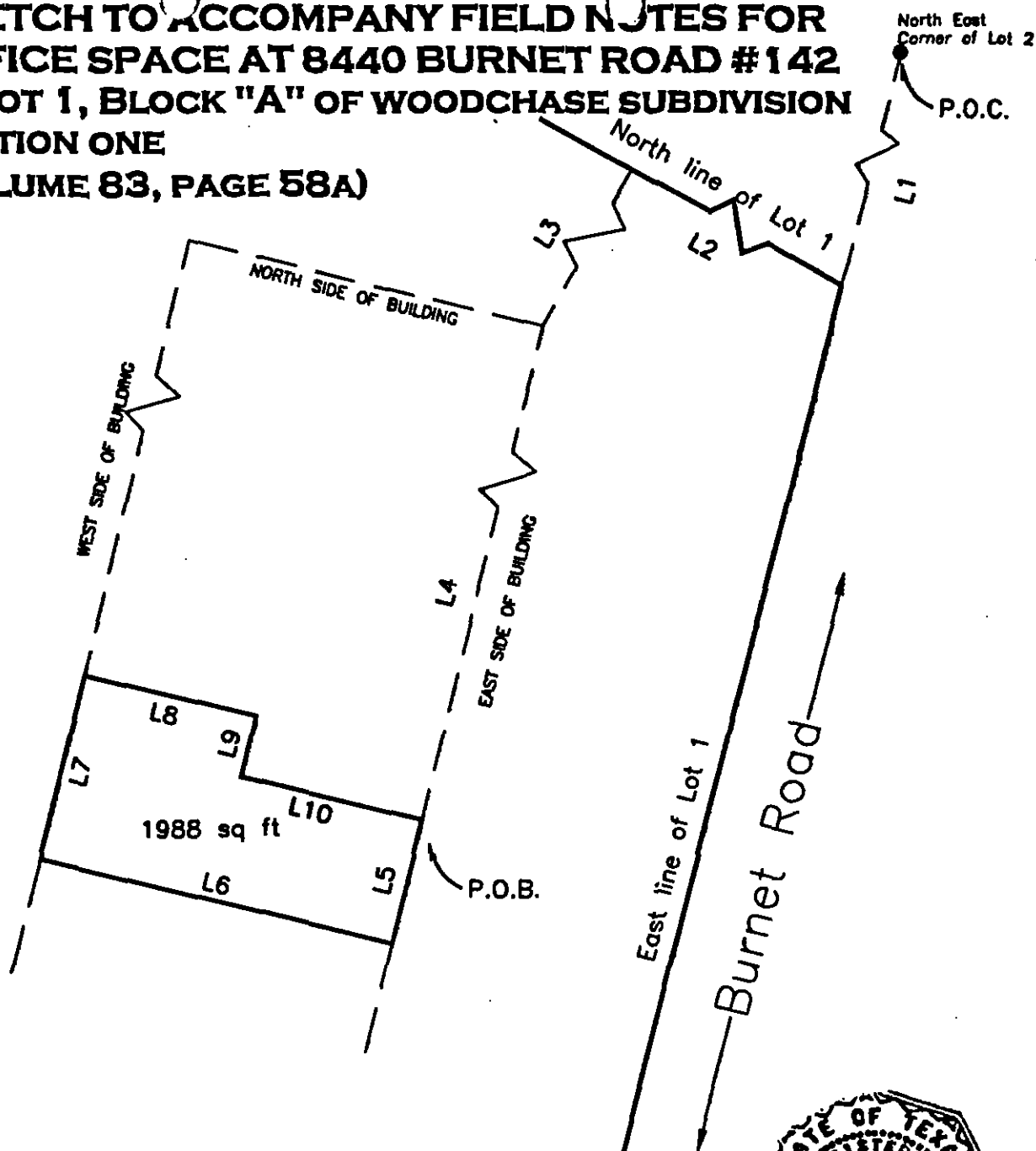
4-5-05  
Date

B & G Surveying, Inc.  
1404 W. North Loop Blvd.  
Austin, Texas  
78756  
(512)-458-6969

3/31/05  
JOB#: B0320805



**SKETCH TO ACCOMPANY FIELD NOTES FOR  
OFFICE SPACE AT 8440 BURNET ROAD #142  
IN LOT 1, BLOCK "A" OF WOODCHASE SUBDIVISION  
SECTION ONE  
(VOLUME 83, PAGE 58A)**



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 13°51'47" W	100.00'
L2	N 60°53'00" W	207.87'
L3	S 29°07'00" W	41.03'
L4	S 13°31'46" W	315.60'
L5	S 13°31'46" W	23.90'
L6	N 76°28'14" W	67.14'
L7	N 13°31'46" E	35.60'
L8	S 76°28'14" E	32.74'
L9	S 13°31'46" W	11.70'
L10	S 76°28'14" E	34.40'

*D.L. Bell 4/5/05*



**B&G Surveying, Inc.**

Victor M. Garza R.P.L.S.

Office 512\*458-6969  
Fax 512\*458-9845

1404 West North Loop Blvd.  
Austin, Texas 78756



DATE: 3/31/05  
JOB#: B0320805  
DRAWN BY J.A.  
SCALE: 1"=30'

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 8440 BURNET ROAD #142 FROM GENERAL  
3 COMMERCIAL SERVICES (CS) DISTRICT TO COMMERCIAL LIQUOR  
4 SALES (CS-1) DISTRICT.  
5

6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
7

8 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from general commercial services (CS) district to commercial-  
10 liquor sales (CS-1) district on the property described in Zoning Case No. C14-05-0068, on  
11 file at the Neighborhood Planning and Zoning Department, as follows:  
12

13 A 1,988 square foot tract of land, more or less, out of Lot 1, Woodchase Section  
14 One Subdivision, the tract of land being more particularly described by metes and  
15 bounds in Exhibit "A" incorporated into this ordinance,  
16

17 locally known as 8440 Burnet Road #142, in the City of Austin, Travis County, Texas, and  
18 generally identified in the map attached as Exhibit "B"  
19

20 PART 2. This ordinance takes effect on \_\_\_\_\_, 2005.  
21

22  
23 PASSED AND APPROVED  
24

25 §  
26 §  
27 §

28 \_\_\_\_\_, 2005

29 Will Wynn  
30 Mayor  
31

32 APPROVED: \_\_\_\_\_

33 ATTEST: \_\_\_\_\_

34 David Allan Smith  
City Attorney

Shirley A. Brown  
City Clerk

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4-5-05  
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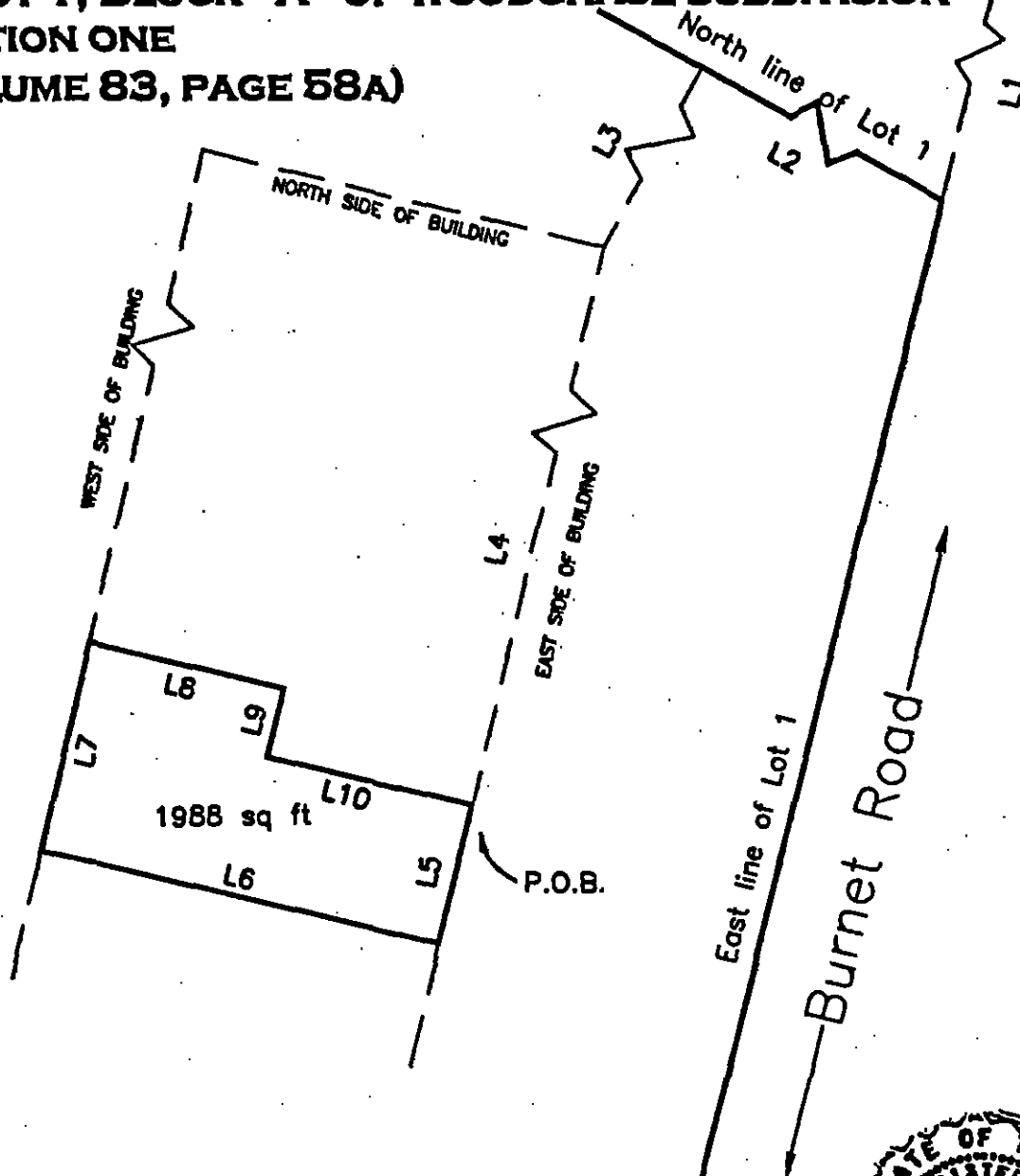
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IN LOT 1, BLOCK "A" OF WOODCHASE SUBDIVISION  
SECTION ONE  
(VOLUME 83, PAGE 58A)**

North East  
Corner of Lot 2

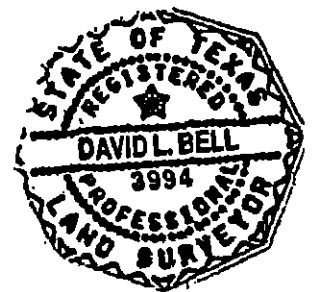
P.O.C.



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*D.L. Bell 4/5/05*



30 0 30 60 90 Feet

**B&G Surveying, Inc.**

Victor M. Garza R.P.L.S.

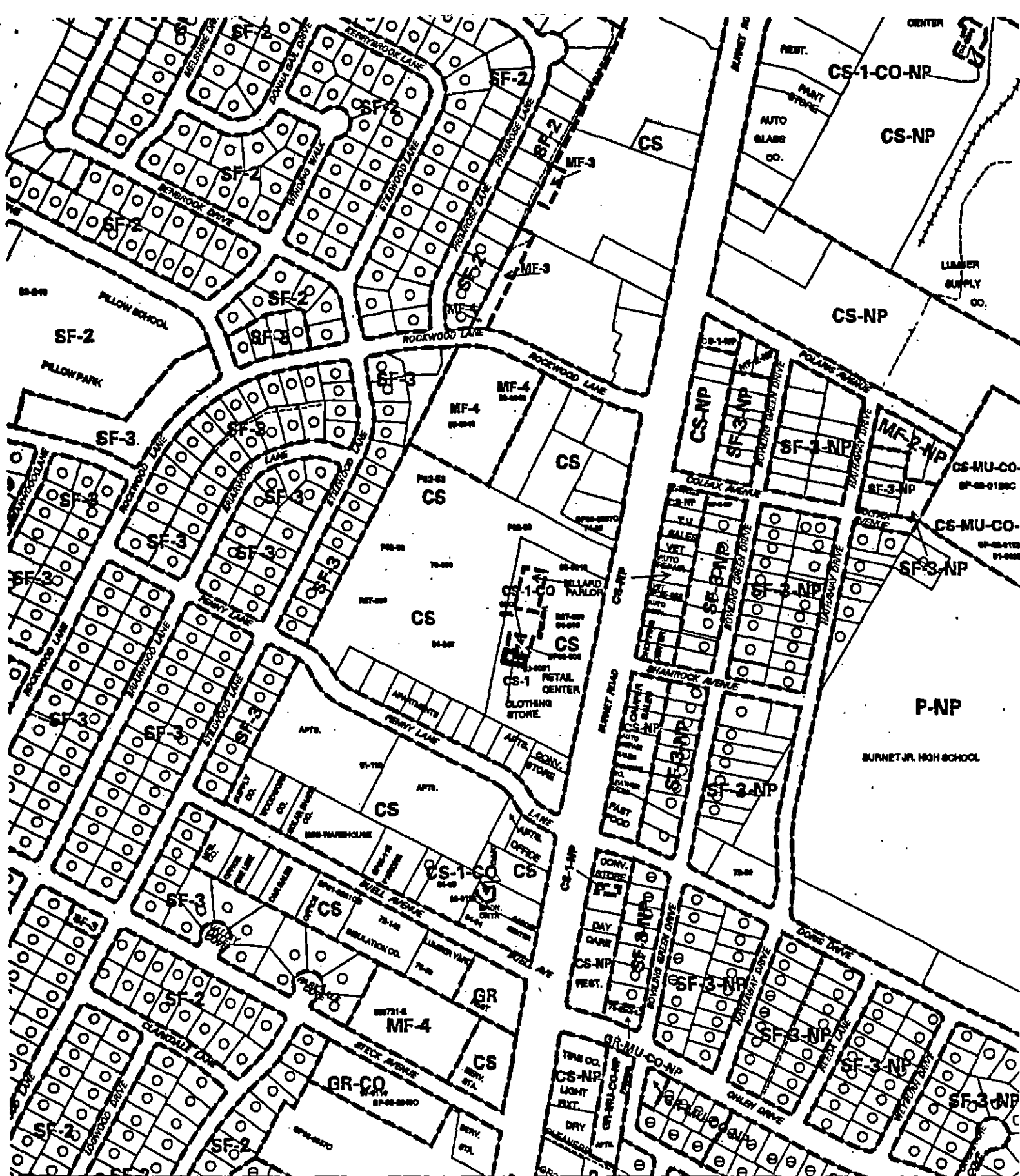
Office 512\*458-6969  
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1404 West North Loop Blvd.  
Austin, Texas 78756



DATE: 3/31/05  
JOB#: B0320805  
DRAWN BY J.A.  
SCALE: 1"=30'





SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: T. SOLT

CASE #: C14-05-0068

ADDRESS: 8440 BURNET RD UNIT 142

SUBJECT AREA (acres): 0.046

ZONING *EXHIBIT B*

DATE: 05-05

INTLS: SM

CITY GRID  
REFERENCE  
NUMBER

K30